

CGP/431075

6121-215

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROGER CORONADO, JR,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 08 CV 1254
VALLEY VIEW PUBLIC SCHOOL DIST.,)	
365-U,)	Judge St. Eve
UNIDENTIFIED BOLINGBROOK)	
POLICEMAN, (Official and individual)	
Capacity),)	
DON LAVERTY (Official and Individual)	
Capacity),)	
T. GAVIN (Official and Individual Capacity),)	
STEVEN PRODEHL (Official and Individual)	
Capacity),)	

Defendants.

**MOTION OF ALAN HAMPTON
IN HIS "INDIVIDUAL AND OFFICIAL CAPACITY"
FOR PARTIAL DISMISSAL OF PLAINTIFF'S AMENDED COMPLAINT**

NOW COMES, Defendant Alan Hampton s in his individual and official capacity, and pursuant to Fed. R. Civ. P. 12(b)(6) moves for dismissal of Counts I-VII and IX-XV of Plaintiff's First Amended Complaint and in support thereof alleges as follows:

1. On March 15, 2008, Roger Coronado, Jr, a 15-year-old minor, filed a six-count complaint against his school district, various school officials, and an "unidentified Village of Bolingbrook Policeman."

2. On April 6, 2008, Plaintiff filed an Amended Complaint naming Defendant Alan Hampton (instead of the "unidentified officer"), and adding nine additional counts against the various defendants.

3. In Plaintiff's First Amended Complaint, he states he is a 15 year-old boy (Amended Complaint ¶ 2 pg. 3). Plaintiff states that on February 4, 2008, he was in the cafeteria at Bolingbrook High School (Complaint ¶ 7, pg. 4). He claims that when "gang members stood

up from their chairs, so did he” (Complaint ¶ 9, pg. 4).

4. He claims three days latter he was summoned to a location in Bolingbrook High School and was “falsely imprisoned “ by an “out of control Bolingbrook police officer and he allegedly coerced the Plaintiff to make a ‘confession’” (Amended Complaint ¶ 11, pg. 4).

5. Plaintiff later attended a school expulsion hearing with his parents and was ultimately suspended from school for two semesters (Amended Complaint ¶ 19, pg .5). Plaintiff claims he was not give adequate due process in that he had no opportunity to “prepare, gather witnesses, or cross examine witnesses.” (Amended Complaint ¶¶ 16-17, pg. 4). Even though he was expelled from Bolingbrook High School, Plaintiff admits that he was still allowed to attend a state alternative school in Joliet, Illinois, but he claims he does not want to go to that school (Amended Complaint ¶ 20, 23, pg. 5).

6. As more fully explained in the accompanying Memorandum in Support of this Motion, Counts I-VII and IX-XV must be dismissed.

7. In addition, the First Amended Complaint, does not contain a proper “next friend” as Plaintiff and should be dismissed in its entirety on those grounds.

8. Finally, the Amended Complaint vaguely claims “official capacity” claims (presumably as to all federal counts), but since the Amended Complaint comes nowhere close to such type of *Monell* violation against the Village of Bolingbrook, all those claims too must be dismissed.

WHEREFORE, Defendant Alan Hampton in his “individual capacity request that Counts I-VII and IX –XV be dismissed and all counts be dismissed in his “official capacity.”

Respectfully submitted

By: s/Craig G. Penrose
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 22, 2008, a copy of the foregoing document was served upon the counsel of record listed by:

- Electronically filing via court ECF system:

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s/Craig G. Penrose
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